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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,292	09/25/2001	David Gok Louie	M-11978 US	9643
60975	7590	07/25/2006	EXAMINER	
CSA LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			WON, MICHAEL YOUNG	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,292

Applicant(s)

LOUIE ET AL.

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment and Request for Continued Examination filed June 21, 2006.
2. Claims 1, 4, 14-19, 21-25, 27, and 34 have been amended.
3. Claims 1-37 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 12, 14-21, 24-32, 34, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajalli et al. (US 5,361,359 A) in view of Noguchi et al. (US 5,812,981 A).

INDEPENDENT:

As per ***claim 1***, Tajalli teaches an apparatus comprising:

an application program comprising one or more components (implicit: see col.10, lines 30-34: "*components inside the system cabinet... and components outside the system cabinet*" i.e. memory, user media, protected media),

means for selecting a component to be audited from the one or more components (implicit: if the component comprises an operation and an operation is audited, then the component has to also be audited),

means for selecting one or more selected operations (see col.6, line 67-col.7, line 1: "*the administrator specifies the nature of the audit by specifying audit configuration data*") on the component to be audited (see col.15, lines 15-20: "**activities** of all applications programs" and col.16, lines 5-8: "*statistics on the number of **processes** running*"), and

means for creating an audit trail for the application program (see col.7, lines 1-3).

Tajalli does not explicitly teach of a *business* component of an application program.

Noguchi teaches of a business component of an application program (see Fig.1 and col.4, lines 25-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Noguchi within the apparatus of Tajalli by implementing business application program consisting of business components within the apparatus because Tajalli teaches that businesses and governments organizations wish to control how data will be processed and protect inventory records

(see Tajalli: col.1, lines 24-27 & 36-41). Therefore, if the apparatus were employed in business, the components would be business components.

Furthermore, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The auditing of components of an application program and the one or more operations of the component will be performed regardless of the application program type or the component type. Thus this descriptive material will not distinguish the claimed invention from prior art in terms of patentability.

As per **claim 14**, Tajalli teaches a system comprising:

a processor (see Fig.1, #112);

a memory coupled to the processor (see Fig.1, #110, #118 & #119) and configured to store a first set of instructions, executable by the processor (see col.9, lines 28-30), configured to provide a component (see col.10, lines 30-34) comprising one or more fields (inherent),

a second set of instructions, executable by the processor, configured to allow selection of a selected field of the one or more fields and one or more selected operations to be audited on the selected fields (see col.6, line 67-col.7, line 1: *"administrator specifies the nature of the audit by specifying audit configuration data"*; col.7, line 9-10: *"enables the administrator to accurately monitor system uses, to the extent he desires"*; col.16, lines 16-24: *"configuration data... may indicate which requests are to be audited"*; and col.21, lines 14-22),

a third set of instructions, executable by the processor, configured to detect when the selected operations are performed on the selected fields (see col.15, lines 3-7: "collects and makes available"), and

a fourth set of instructions, executable by the processor, to generate an audit transaction record regarding the selected field when the selected operations are detected (see col.7, lines 1-8: "generates audit logs").

Tajalli does not explicitly teach of providing a user interface for selection.

Noguchi teaches of a user interface for selection (see col.6, lines 52-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Noguchi within the system of Tajalli by implementing a user interface for selection within the system because user interface is known in the art to enable users to easily and quickly access and control programs and applications.

Tajalli does not explicitly teach of a *business* component of an application program.

Noguchi teaches of a business component of an application program (see Fig.1 and col.4, lines 25-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Noguchi within the system of Tajalli by implementing business application program consisting of business components within the system because Tajalli teaches that businesses and governments organizations wish to control how data will be processed and protect inventory records (see Tajalli:

col.1, lines 24-27 & 36-41). Therefore, if the apparatus were employed in business, the components would be business components.

Furthermore, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The auditing of components of an application program and the one or more operations of the component will be performed regardless of the application program type or the component type. Thus this descriptive material will not distinguish the claimed invention from prior art in terms of patentability.

As per **claim 24**, Tajalli teaches a method comprising:

auditing an application program wherein said auditing comprises creating an audit trail (see col.4, lines 56-59 and col.6, line 63-col.7, line 8);

using the application program to perform audit trail functions (see col.15, lines 16-20: "audits activities of **all** application programs") comprising:

generating a list of components included in the application program (see col.15, lines 3-7 & 17-18: "*audits activities of all application programs*" and col.16, lines 16-24);

presenting the list of components to a user (see col.15, lines 3-4: "*makes available to the administrator*");

allowing the user to select a selected component to be audited (see col.6, line 67-col.7, line 1; col.7, line 9-10; col.16, lines 16-24: "*configuration data... may indicate which requests are to be audited*"; and col.21, lines 14-22);

presenting the list of operations that can be performed on the selected component to the user (see col.15, lines 3-4: *"makes available to the administrator"* and col.15, lines 63-col.16, line 2);

allowing the user to select one or more selected operations to be audited for the selected component (see col.6, line 67-col.7, line 1; col.7, line 9-10; col.16, lines 16-24: *"configuration data... may indicate which requests are to be audited"*; and col.21, lines 14-22),

Tajalli does not explicitly teach of a *business* component of an application program.

Noguchi teaches of a business component of an application program (see Fig.1 and col.4, lines 25-40):

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Noguchi within the method of Tajalli by implementing business application program consisting of business components within the method because Tajalli teaches that businesses and governments organizations wish to control how data will be processed and protect inventory records (see Tajalli: col.1, lines 24-27 & 36-41). Therefore, if the apparatus were employed in business, the components would be business components.

Furthermore, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The auditing of components of an application program and the one or more operations of the component will be performed regardless of the application program type or the

component type. Thus this descriptive material will not distinguish the claimed invention from prior art in terms of patentability.

DEPENDENT:

As per **claim 2**, which depend on claim 1, Tajalli further teaches wherein the application program further comprises: means for detecting when the selected operations are performed (see col.18, lines 45-50).

As per **claim 3**, which depend on claim 2, Tajalli further teaches wherein the application program further comprises: means for generating an audit transaction record regarding the business component when the selected operations are detected (see col.7, lines 1-3 and col.16, lines 30-36).

As per **claim 4, 15, and 25**, which depend on claims 1, 14, and 24, respectively, Tajalli further teaches wherein the selected or list of operations to be audited include at least one of: update, add, copy, and delete (see col.10, lines 7-13).

As per **claim 5, 16, and 26**, which depend on claims 1, 14, and 24, respectively, Tajalli teaches of further comprising means for allowing the user to restrict access to the audit trail by at least one of: an employee identifier, an employment position, and an area of responsibility (see col.15, line 66 to col.16, line 1).

As per **claim 6, 17, and 28**, which depend on claims 3, 14, and 27, respectively, Tajalli teaches of further comprising means for storing the audit transaction record in an external database (see Fig.1 and Fig.3, #118).

As per **claims 7, 18, and 29**, which depend on claims 3, 14, and 27, respectively, Tajalli teaches of further comprising means for storing the audit transaction record in a file (see Fig.1, #119).

As per **claims 8, 19, and 30**, which depend on claims 7, 18, and 29, respectively, Tajalli teaches of further comprising means for importing the audit transaction record stored in the file to a database (see col.16, lines 44-46).

As per **claims 9, 20, and 31**, which depend on claims 3, 14, and 27, respectively, Tajalli further teaches wherein the audit transaction record includes at least one of: an identifier for the entity that accessed the business component or the field, the operation that was performed on the business component, when the operation was performed, a previous value of the field, a current value of the field, and how the value of at least a portion of the business component was changed (see col.16, lines 16-24; "identity of any "objects" accessed").

As per **claims 10, 21, and 32**, which depend on claims 3, 14, and 27, respectively, Tajalli teaches of further comprising means for allowing the user to query one or more of the audit transaction records (implicit: see col.17, lines 14-15).

As per **claims 12 and 34**, which depend on claims 1 and 24, respectively, Tajalli and Noguchi further teaches wherein the one or more selected business components comprise one or more fields, and further comprising: means for selecting the one or more fields to be audited; and means for generating an audit transaction record when one of the selected operations on one of the selected fields is detected (see claim 14 rejection above).

As per **claim 27**, which depend on claim 24, Tajalli teaches of further comprising: detecting when the selected operations are performed on one of the selected business components; and generating an audit transaction record when the selected operations are detected (see claim 2 and 3 rejections above).

As per **claim 36**, which depend on claim 24, Tajalli and Noguchi further teach of a computer program product comprising: instructions for implementing the method of claim 24 (see Tajalli: col.15, lines 48-52).

As per **claim 37**, which depend on claim 24, Tajalli and Noguchi further teach of a data signal comprising: instructions for implementing the method of claim 24 (implicit: see Tajalli: col.15, lines 48-52; col.17, line 6).

5. Claims 11, 23, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajalli et al. (US 5,361,359 A) and Noguchi et al. (US 5,812,981 A), further in view of Darnell et al. (US 5,596,700 A).

As per **claims 11, 23, and 33**, which depend on claim 2, 14, and 27, respectively, Tajalli and Noguchi do not explicitly teach of further comprising means for prompting the user to enter a comment or a description of the operation when the selected operations are detected.

Darnell teaches of prompting the user to enter a comment or a description of the operation when the selected operations are detected (see col.3, lines 19-24 and col.11, lines 30-31).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of within the system of Tajalli and Noguchi by implementing prompting the user to enter a comment or a description of the operation when the selected operations are detected within the apparatus of creating an audit trail for an application program because such an implementation provide numerous benefits similar to the functionality of writing notes on paper (see Darnell: col.1, lines 42-44), notepads or sticky pads (i.e., for reminders or sharing information with others).

6. Claims 13, 22, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajalli et al. (US 5,361,359 A) and Noguchi et al. (US 5,812,981 A), further in view of Smaha et al. (US 5,557,742 A).

As per **claims 13, 22 and 35**, which depend on claims 1, 14, and 34, respectively, Tajalli and Noguchi do not explicitly teach of further comprising means for allowing the user to restore the one or more of the fields to a previous state or value.

Smaha teaches of allowing the user to restore the one or more of the fields to a previous state or value (see col.9, lines 49-55).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Smaha within the system of Tajalli and Noguchi by implementing restoring the one or more of the fields to a previous state or value within the apparatus, system and method for creating an audit trail for an

application program in an information system because such functionality allows the system to go back to the state prior to a "misuse".

Response to Arguments

7. Applicant's arguments filed June 21, 2006 have been fully considered but they are not persuasive.

The examiner has cited new reference locations and provided explanations to better explain that ***Tajalli*** and ***Noguchi*** clearly and explicitly disclose, teach, and suggest the claimed invention.

In response to the argument of claim 1 that "the application has the ability to audit itself", it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the argument of claim 1 that ***Tajalli*** does not explicitly teach "***Tajalli's*** AA system is not comprised of ***Tajalli's*** application program" based on Figure 2 and Figure 7, this assertion is improper. Just because ***Tajalli*** does not show an application program in the figures does not mean it does not exist. ***Tajalli*** does not state that the figures are a complete depiction of all the components of the system. ***Tajalli*** is merely attempting to show an embodiment of a particular portion of the system. In fact, Figure 2 and Figure 7 are depicting the "Protected Media (PM)" of the

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system (see col.8, lines 14-15 and col.8, lines 26-27). There is no basis for the applicant(s) assertion.

In response to the argument regarding “an application program comprising one or more business components, means for selecting a business component to be audited from the one or more components”, **Tajalli** and **Noguchi** clearly teach this limitation. In column 10, lines 30-34, **Tajalli** teaches of components. In column 6, line 67 to column 7, line 1, **Tajalli** teaches a “means for selecting a component to be audited” by teaching that an administrator “*specifies the nature of the audit by specifying audit configuration data*”. Since **Tajalli** teaches of auditing operations (see col.15, lines 15-20: “**activities of all applications programs**” and col.16, lines 5-8: “*statistics on the number of **processes running***”) (emphasis added), and since the component comprise an operation, it is implicit if not inherent that the component must also be audited when the operations are audited. Similarly, when the operations are audited, the application program is also audited (see col.6, lines 63-65: “*collects audit information about the activities of... application programs*”). **Noguchi** teaches the missing element that he component is a business component (see rejection above).

The applicant has not established within the body of the claim that the component is something substantially different than an operation wherein the auditing of the operation excludes the auditing of the components and vice versa. The claim language “selecting one or more selected **operations on the business component**” (emphasis added) suggests otherwise.

For substantially the same reasoning and the rejection set forth above, **Tajalli** and **Noguchi** clearly and explicitly teach the claims 14 and 24.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so **found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art**. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, **Tajalli** clearly suggests implementing his system in a business environment (see col.1, lines 24-27 & 36-41), therefore "business component" would have been clearly obvious at the time of invention was made.

Conclusion

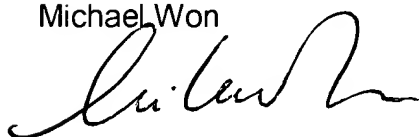
8. For the reasons above claims 1-37 remain rejected and pending.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won



July 18, 2006